

Eric & Julie Carlson (*in pro per*)

*Individual Fire Victims*

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION,

-and-

PACIFIC GAS AND ELECTRIC  
COMPANY,

Debtors.

- ☐ Affects PG&E Corporation  
☐ Affects Pacific Gas and Electric  
Company

☒ Affects both Debtors

*\* All papers shall be filed in the lead case,  
No. 19-30088 (DM)*

Case No. 19-30088 (DM)  
Chapter 11  
(Jointly Administered)

**JOINDER TO THE OBJECTION OF  
ADVENTIST HEALTH, AT&T, PARADISE  
ENTITIES AND COMCAST TO TRUST  
DOCUMENTS AND LIMITED OBJECTION  
TO CONFIRMATION**  
Related Dkt Nos. 7072

Hearing: May 15, 2020 at 10:00 a.m.

We are victims of the 2017 Tubbs Fire. Although the deadline to object to PG&E's plan is not until 4pm on May 15<sup>th</sup>, it came to our attention that certain issues we feel are critical are going to be heard before the objection deadline because they were raised in the business claim objections.

The issues we are concerned about are narrow and are consistent with the goal of quick review and determination of fire claims and transparency. We believe vital changes can be made to the Fire Victim Trust Agreement without derailing the case.

1 We therefore join in the Business Claim Objection only to the extent of and for the following limited  
2 purposes:

3  
4 **1. Material changes to the trust and claim procedures after confirmation must be noticed**  
5 **and subject to challenge in court.**

6 Victims voted based on the claim procedures and trust documents that were filed with  
7 this court. Allowing modifications WITHOUT ANY NOTICE at all is an impermissible plan  
8 modification.

9  
10 Under Sections 8.3 and 2.2(f) of the Trust Agreement, the Trust Agreement and the  
11 CRP may be amended, supplemented and modified with the consent by vote of a simple  
12 majority of the Trust Oversight Committee (“TOC”) subject to notice and quorum  
13 requirements of the Trust Agreement. Under those requirements, such changes could be  
14 approved by as few as three members of the TOC. There is no limitation on the scope or  
15 character of such changes. There is no provision mandating any review, approval, or even  
16 disclosure of such changes to the fire claimants or the court. Victims are voting based on the  
17 Trust Agreement and CRP filed with this court. Allowing modifications without limit, notice  
18 or disclosure is an impermissible plan modification.

19 *We join the Business Claim Objection, Paragraph 49, is requesting a modification of*  
20 *the first sentence of Section 8.3 of the Trust Agreement to read as follows, “Any modification*  
21 *or amendment made pursuant to this Section 8.3 must be done in writing and, in the case of*  
22 *material modifications or amendments, shall be subject to the approval of the Bankruptcy*  
23 *Court after notice and hearing.”*

24 **2. No trustee override on Neutrals appeal decisions.**

25  
26 If the court is inclined to substitute judicial review of claims allowance for the quasi-  
27 judicial review by “Neutrals” as set out in the revised claims procedures, then the trust must  
28

1 accept the decision of the neutral assigned to hear claims appeals. As it stands now, the  
2 trustee can completely ignore what the appeal officer decides.

3  
4 While Section VIII of the CRP spells out a process by which a fire claimant may  
5 contest a Claims Determination and Reconsideration Determination with a Neutral, the  
6 Trustee may accept, reject, or revise the Appeals Determination at his or her discretion, and  
7 the resulting Trustee Determination shall be “final, binding, and non-appealable and is not  
8 subject to review by any Court, including right to trial by jury.” It makes no sense to have a  
9 process by which the Trustee’s initial decision may be appealed if the Trustee may disregard  
10 the determinations of such appeal.

11 *Either the Appeals Determination by a Neutral should be deemed final and binding,*  
12 *or any decision by the Trustee to reject or materially change any Appeals Determination*  
13 *should be subject to judicial review.*

14 3. **Trust Oversight Committee members should be disclosed and victims should be able to**  
15 **object at confirmation.**

16  
17 As the court is well aware fire claimants were blindsided by the conflicts of interest  
18 controversy surrounding a law firm purporting to represent more than 16,000 fire claimants.  
19 These revelations undoubtedly affected the victim’s level of trust for all the fire claimants’  
20 attorneys and the bankruptcy process itself. Now fire claimants are being asked to trust, again  
21 blindly, that the Tort Claims Committee and the CFCP will appoint TOC members who are  
22 fair, unbiased, qualified, competent, committed, and not subject to conflicts of interest. Those  
23 TOC members are likely to come from the same group of attorneys that is making the  
24 appointments. The members of the TOC must be disclosed to fire claimants and vetted for  
25 conflicts by the court. This information was not in the plan supplement although it was  
26 required.

27 *The members of the trust oversight committee must be disclosed and vetted for*  
28 *conflicts and victims must have an opportunity to object. This information was not in the*  
*plan supplement although it was required.*

1  
2  
3  
4 We therefore request that the Court order the Debtors to make these simple amends to the  
5 Fire Victim Trust Agreement as described above. These changes only strengthen the Fire Victim  
6 Trust and do not harm anyone's position nor do they need to slow down the case.

7  
8 Respectfully,

9  
10 Dated: May 14, 2020

Eric & Julie Carlson

  
Individual Fire Victims

11  
12  
13 Footnote:

14 I raised these issues at the disclosure statement  
15 hearing both informally and formally and was  
16 told by the lawyers to the TCC that these are  
17 confirmation issues, yet I received no return  
18 call from my last messages to the tort  
19 committee lawyers, accordingly I had to raise  
20 these issues with your honor.  
21  
22  
23  
24  
25  
26  
27  
28